

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>ANTHONY DeFRANCO,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 04-230-ERIE</b>
<b>V.</b>	)	
	)	<b>Judge Maurice B. Cohill, Jr.</b>
<b>SUPERINTENDENT WILLIAM WOLF;</b>	)	<b>Mag. Judge Susan P. Baxter</b>
<b>STEVE REILLY; DENESE BRUNNER;</b>	)	
<b>MANAGER ROD SHOWERS; CASE</b>	)	
<b>MANAGER JUDY JACKSON;</b>	)	
<b>DR. JOHN DOE; JANE DOE;</b>	)	
<b>JEFFREY BEARD; ASSIST. SUPER.</b>	)	
<b>WILLIAM BARR; MARILYN</b>	)	
<b>BROOKS,</b>	)	
<b>Defendants.</b>	)	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION TO COMPEL  
INTERROGATORIES**

AND NOW, come the defendants, Superintendent William Wolfe, Steve Reilly, Denese Brunner, Manager Rod Showers, Case Mgr.—GECAC Judy Jackson, Jeffrey Beard, Assist. Super. William Barr, and Marilyn Brooks (incorrectly identified as “Mariland”) by their attorneys, Thomas W. Corbett, Jr., Attorney General, Mary Lynch Friedline, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and submit the following Response to Plaintiff’s Motion to Compel (Doc. #194):

1. DeFranco’s latest Motion to Compel incorrectly states that defendants are late in responding to Interrogatories.
2. Plaintiff claims he served counsel with a “Second Set” of Interrogatories directed to defendants Showers and Jackson on May 3, 2006. As counsel has advised Mr. DeFranco, we did not receive those interrogatories until Mr. DeFranco remailed them with a letter dated June 12, which was received in this office on June 14, 2006. This is all set forth in counsel’s letter to Mr. DeFranco dated June 28, 2006 (attached as Exh. A.) Accordingly, those responses are due

July 14, 2006. Giving plaintiff the benefit of the doubt, he filed the instant motion before receiving this letter.

3. In the Motion to Compel, Mr. DeFranco also states that he served an initial set of interrogatories on Defendant Beard on May 23, 2006. We recently received a set of Interrogatories directed to Beard which were sent on June 22, 2006, and answers are being prepared. However, we never received any prior interrogatories for Beard. This is the first notice counsel has received of such interrogatories.

4. Defendants have promptly responded to the dozens of discovery requests coming from plaintiff and continue to do so to the extent those requests are appropriate under the rules. For whatever reason, counsel did not receive any interrogatories to Beard dated May 23, 2006 or Interrogatories to Jackson and Showers dated May 3, 2006. Accordingly, none of the responses are overdue and plaintiff's motion is again without merit.

WHEREFORE, defendants submit that plaintiff's Motion to Compel (Doc. #194) is without merit and should be denied.

Respectfully submitted:

Thomas W. Corbett, Jr.  
Attorney General

By: /s/ Mary Lynch Friedline  
MARY LYNCH FRIEDLINE  
Senior Deputy Attorney General  
Attorney I.D. No. 47046  
Susan J. Forney  
Chief Deputy Attorney General  
Litigation Section

Office of Attorney General  
6th Fl., Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219  
Date: June 30, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2006, I electronically filed the foregoing *Response to Motion to Compel (#167)* with the Clerk of Court using the CM/ECF system. This document will be mailed via U.S. mail to the following non CM/ECF participants:

Anthony DeFranco, CZ-3518  
SCI-Albion  
10745 Route 18  
Albion, PA 16475-0001

By: /s/ Mary Lynch Friedline  
MARY LYNCH FRIEDLINE  
Senior Deputy Attorney General

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